

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

JOHN H. MURPHY,

Plaintiff,

v.

MILLARD C. FARMER, JR.,
DEBORAH L. BEACHAM, and
MY ADVOCATE CENTER, INC.,

Defendants.

CIVIL ACTION FILE
NO. 3:15-CV-00092-TCB

MOTION TO RESTORE TO TRIAL DOCKET

John H. Murphy (“Murphy”), Plaintiff, through counsel files this “Motion to Restore to Trial Docket” (“Motion”), as the Automatic Stay, pursuant to U.S.C § 362 as to Defendant Deborah L. Beacham (“Beacham”), is no longer in effect. In support of this Motion Murphy states as follows:

1. On July 31, 2017 the Court entered an Order [Doc. 101] directing the Clerk to administratively close this case, as Defendant Beacham was involved in an Action in Bankruptcy Court. The Order provided that the case could be restored to the trial docket on a motion by a party should circumstances change which allow this Action to proceed to disposition. *Id.* Circumstances have changed, as Beacham has received a Chapter 7 discharge.

2. Murphy on September 20, 2017 moved the Bankruptcy Court to lift the automatic stay so that he may dismiss Beacham from this Action. Prior to the Bankruptcy Court hearing Murphy's motion, Beacham received a Chapter 7 discharge. Subsequently, the Bankruptcy Court ruled on Murphy's motion finding it moot "[b]ecause the automatic stay is no longer in place seeking recovery on [Beacham's] pre-bankruptcy liabilities, and because the bankruptcy estate has no interest in the District Court Action, the automatic stay has been terminated as to the District Court Action." *See* Order attached as Exhibit A.

WHEREFORE, based on the above Murphy moves this Court to issue an order directing the Clerk to restore this case to the trial docket. Once restored Murphy will move to dismiss Beacham from this Action, thereby allowing this Action to proceed to disposition.

This 1st day of November, 2017.

Respectfully submitted,
/s/ Wilmer Parker
Wilmer Parker
Georgia Bar No. 563550

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing filing into this District's ECF System, which will automatically forward a copy to counsel of record in this matter.

Dated: This 1st day of November, 2017.

Respectfully submitted,
/s/ Wilmer Parker
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Georgia Bar No. 563550

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